

UNITED STATES DISTRICT COURT

for the  
Eastern District of California

**FILED**

**Nov 02, 2020**

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

United States of America  
v.  
Armando Luciano CHAVEZ Jr

Case No. 1:20-mj-00122-BAM

Defendant(s)

**CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 29, 2020 in the county of Fresno in the  
Eastern District of California, the defendant(s) violated:

*Code Section*

21 USC § 841(a)(1), (b)(1)(B)

*Offense Description*

Possession with Intent to Distribute over 40 grams of a mixture containing a detectable amount of Fentanyl.

Maximum Penalties: 5-year mandatory minimum term of imprisonment up to 40 years of imprisonment; fine of up to \$5,000,000; 4 years to life of supervised release; \$100 special assessment

This criminal complaint is based on these facts:

See attached affidavit of HSI Special Agent Andres Varela

☒ Continued on the attached sheet.



Complainant's signature

Andres Varela, HSI Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone on:

Date: 10/30/2020



Judge's signature

City and state: Fresno, California

Hon. Barbara A. McAuliffe, U.S. Magistrate Judge

Printed name and title

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**AFFIDAVIT**

I, Andres Varela, Special Agent, Homeland Security Investigations, United States Department of Justice, being duly sworn, do hereby declare and state:

**I. INTRODUCTION**

1. Based on my training and experience and the facts set forth in this affidavit, there is probable cause to believe that on or around October 29, 2020, Armando Luciano CHAVEZ Jr possessed with intent to distribute over 40 grams of a mixture containing a detectable amount of Fentanyl, in violation of Title 21, United States Code, Sections 841(a)(1).

**II. EXPERTISE**

2. I am an “investigative or law enforcement officer” within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516. I have also been cross-designated by the Drug Enforcement Administration (“DEA”), and am empowered to investigate and make arrests for offenses under Title 21 of the United States Code. I have been involved with investigations for Title 21 offenses and am familiar with the Interagency Cooperation Agreement between the U.S. Drug Enforcement Administration and ICE.

3. I am a Special Agent with the United States Department of Homeland Security (“DHS”), Immigration and Customs Enforcement / Homeland Security Investigations (“HSI”), presently assigned to the Office of the Resident Agent in Charge, Fresno, California (“HSI Fresno”). I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C). I have been employed as an HSI Special Agent (SA) for approximately nine years. As part of my daily duties as an HSI SA, I investigate narcotics offenses in violation of 21 USC § 841(a) (1) and firearms related offenses in violation of 18 USC § 922 and 924. I have received training in the area of federal narcotic offenses and am a graduate of the Federal Law Enforcement Training Center, Criminal Investigator and Immigration and Customs Enforcement Special Agent Training Programs. In addition to my

1 training at FLETC, I received my bachelor's degree in International Business from Barry  
2 University in Miami Shores, FL.

3 4. I was assigned as a task force agent to the Central Valley Marijuana  
4 Investigation Team (CVMIT) where I investigated drug trafficking, drug manufacturing and  
5 the activities of drug trafficking organizations from January 2014 through October 2014.  
6 Since January 2017, I have been assigned to the Drug Enforcement Administration (DEA)  
7 Fresno Area Surveillance Team (FAST). I have participated in numerous investigations  
8 including, gangs, drugs, firearms, violent crimes, and others. My law enforcement experience  
9 includes conducting physical surveillance, interviewing witnesses, victims and suspects,  
10 writing affidavits for and executing search warrants, handling confidential informants,  
11 analyzing phone records obtained from subpoenas, search warrants, pen registers, trap and  
12 trace devices, and collecting and processing evidence. Through my training and experience as  
13 a law enforcement officer I have become familiar with the gang sub-culture and drug sub-  
14 culture including knowledge of controlled substance and firearms violations.

15 5. Through my training and experience, and conversations with other law  
16 enforcement officers, I am familiar with the identification of various controlled substances. I  
17 am also familiar with the various methods used by individuals to obtain, possess, transport,  
18 and/or sell controlled substances. I am also familiar with the modus operandi as it pertains to  
19 the illegitimate use of such proceeds in violation of federal law. These methods include the  
20 use of telephones, cellular telephones, wireless communication technology, counter  
21 surveillance, elaborately planned smuggling schemes tied to legitimate businesses, false or  
22 fictitious identities, and the use of coded or vague communications in an attempt to thwart law  
23 enforcement. I have also interviewed drug dealers, users, and confidential sources and have  
24 discussed with them the lifestyle, appearances, and habits and methods of drug dealers and  
25 users.

26 6. I have been the affiant for six prior federal T-III intercepts, which resulted in  
27 several arrests and the seizure of crystal methamphetamine, cocaine, and marijuana. I have  
28 participated in numerous other state and federal wiretap investigations.

7. The facts and information contained in this affidavit are based on my personal knowledge of the investigation, knowledge obtained from physical surveillance, investigative reports, notes, conversation with Federal, State and local law enforcement officials. Unless otherwise indicated herein, I believe the information provided to me by others to be reliable. In those instances where I assert an opinion or belief with respect to the facts alleged herein, that opinion or belief is based on my training and experience as set forth previously herein, along with my knowledge of the investigation and any other specific factors I submit in connection with a particular assertion. This affidavit is not intended to convey each and every fact of the investigation. It is only intended to establish probable cause that the above-listed individual committed the above-listed crime.

### **III. PROBABLE CAUSE**

8. As set forth more fully below, **Armando Luciano CHAVEZ JR** possessed with the intent to distribute over 40 grams of a mixture containing a detectable amount of Fentanyl.

**A. Interview of Confidential Overdose Victim 1 or (CV1) implicating CHAVEZ as his source of supply for oxycodone (Percocet pills).**

9. On October 29, 2020, TFO Cardinale received a call from Homeland Security Investigations Supervisor Jeffrey Barbero about an overdose that occurred on October 28, 2020, in the City of Fresno, California.

10. TFO Cardinale spoke with Confidential Victim 1 (CV1) who agreed to meet with TFO Cardinale in person. On October 29, 2020, at approximately 12:13 PM, TFO Cardinale, HSI SA Andres Varela, DEA SA Shawn Riley and DEA Intelligence Research Specialist Joshua Yin travelled to CV1's parents' residence and met with CV1. TFO Cardinale asked CV1 biographical information about CV1. He/she appeared to be alert and was able to comprehend the questions we were asking him/her. The agent spoke to CV1 about CV1's overdose on October 28, 2020. The following is a summary of the information that CV1 provided.

11. CV1 told the agents that he/she had purchased the counterfeit M-30 from an

1 individual named Armando CHAVEZ. CV1 described CHAVEZ as a 19-year-old male with a  
2 goatee and provided CHAVEZ's telephone number as (559) 614-5818. CV1 stated that he/she  
3 had purchased two counterfeit M-30 pills from CHAVEZ on at least twenty occasions. CV1  
4 stated the transactions were coordinated via Snapchat. CV1 provided CHAVEZ's Snapchat  
5 account as "mandox559." According to CV1, CHAVEZ advertised on Snapchat that the pills  
6 were laced with fentanyl. CV1 said CHAVEZ's customers know that the pills they are  
7 purchasing are counterfeit and are laced with fentanyl. CV1 said CHAVEZ drives a black  
8 mustang and a black Escalade. CV1 said he/she has seen CHAVEZ drive both of these  
9 vehicles to the meeting location for past drug deals.

10 12. According to CV1, on October 28, 2020, at approximately 12:00 PM, CV1  
11 contacted CHAVEZ via Snapchat and arranged to meet CHAVEZ in the commercial plaza at  
12 the southwest corner of First St. and E Alluvial Ave. to purchase 2 counterfeit M-30 pills  
13 from CHAVEZ. CV1 said CHAVEZ arrived in an older, black Ford Mustang and provided  
14 CV1 with two pills in exchange for \$40.

15 13. CV1 stated throughout the day he/she crushed up the pills and snorted them,  
16 eventually causing him/her to overdose. TFO Cardinale asked CV1 if CV1 had any other  
17 pills, CV1 said if he/she did, they would be in his/her wallet in a plastic bag. CV1 provided  
18 TFO Cardinale his/her wallet. TFO Cardinale located an empty plastic baggie in the wallet.  
19 CV1 said on prior buys from CHAVEZ he/she has seen CHAVEZ with hundreds of  
20 counterfeit M-30 pills in a plastic bag he keeps in his sock or pocket. CV1 stated that CV1  
21 usually meets with CHAVEZ in that same parking lot and has observed CHAVEZ walking to  
22 the meet location multiple times. As a result, CV1 believes CHAVEZ resides nearby.

23 14. HSI Fresno Criminal Analyst (CA) Rianna Ciacco conducted records checks  
24 for Armando Chavez in the Fresno, California area. CA Ciacco located an Armando Luciano  
25 CHAVEZ Jr with an address of 521 E. Alluvial Avenue, #103, Fresno, California, the  
26 SUBJECT PREMISES, and a California Driver's License #: Y8580736. CHAVEZ's listed  
27 address on the driver's license was also the SUBJECT PREMISES. HSI SA Varela showed  
28 CV1 CHAVEZ's driver's-license photo and CV1 positively identified CHAVEZ as the person

1 who sold CV1 the counterfeit M-30 pills that caused CV1's overdose. A criminal-history  
2 check for CHAVEZ yielded negative results. Fresno PD records indicated CHAVEZ provided  
3 the SUBJECT PREMISES as his address during a traffic stop in May of 2020.

4 15. On October 29, 2020, at approximately 1:35 PM, TFO Cardinale, HSI SA  
5 Varela, and IRS Yin traveled to the SUBJECT PREMISES. TFO Cardinale and SA Varela  
6 observed a 2004 black colored Cadillac Escalade with California license plate 04323Y2,  
7 registered to Armando CHAVEZ at 521 E. Alluvial Avenue, #103, Fresno, California (the  
8 SUBJECT PREMISES) parked in visitor's parking space at the back of the SUBJECT  
9 PREMISES. Agents also observed a 2001 black colored Ford Mustang, bearing California  
10 license plate 8SSG124, parked in the driveway of the SUBJECT PREMISES. The Mustang is  
11 registered to Wyonah Delice Montoya Davis at 6352 N Cleo Avenue, Fresno, California. As  
12 mentioned above, CV1 stated CHAVEZ drove a black Escalade and a black Mustang. Based  
13 on the above facts, I believed CHAVEZ resided at the SUBJECT PREMISES.

14 **B. Communications with CHAVEZ via Snapchat**

15 16. On October 29, 2020, SA Varela, acting in a limited undercover capacity, sent  
16 a friend request to CHAVEZ's Snapchat account, "mandox559." At approximately 1:56 PM,  
17 SA Varela sent CHAVEZ the following direct message, "u still got percs? Got ur info from a  
18 homie at the spot." At approximately 5:17 PM, CHAVEZ accepted the friend request and  
19 responded with the following message, "Yeah fam who gave it to you?" SA Varela stated that  
20 he did not remember the name of the person who gave SA Varela the information. After  
21 initially hesitating, CHAVEZ ultimately agreed to sell SA Varela 20 "percs" for \$15 per pill  
22 in a parking lot on the Southwest corner of Alluvial and First Avenue after 9:00 PM. Based  
23 on my training and experience, conversations with other experienced narcotics investigators  
24 and knowledge of this investigation, I believe the above responses from CHAVEZ were  
25 indicative that he was in possession of additional counterfeit M-30 pills that contain fentanyl,  
26 commonly referred to as "percs."

27 **C. On October 29, 2020, HSI, DEA, and Fresno Police**  
28 **Department conducted a buy/bust operation of the 20 M-30**  
**pills and executed a search warrant at CHAVEZ'S**  
**residence. Agents found over 1300 counterfeit Percocet pills,**

aka, “M/30’s” or “Percs,” as well as cocaine and a loaded  
pistol

17. On October 29, 2020, the Honorable Barbara A. McAuliffe, U.S. Magistrate Judge in and for the Eastern District of California authorized the search of 521 E. Alluvial Avenue, Unit #103, Fresno, California, the Cadillac Escalade, the Ford Mustang and the person of CHAVEZ. Night service was authorized.

18. At approximately 09:53 PM, CHAVEZ arrived at the meet location in the Escalade and informed SA Varela he was in the area. At approximately 10:03 PM, agents approached the Escalade and contacted CHAVEZ, who was detained without incident. TFO Cardinale asked CHAVEZ if there were any other occupants, firearms or dangerous items such as controlled substance that could harm the agents in his residence. CHAVEZ stated he had a pistol in his room, a “grip”<sup>1</sup> of pills, and then asked to speak with an attorney. During a search of CHAVEZ’s person, agents located a small Ziploc baggie in the pocket of CHAVEZ’s hooded sweatshirt that contained 20 light blue colored pills labeled “M-30.” In the Escalade, agents found an additional Ziploc bag in between the driver seat and the center console of the vehicle, that contained approximately 100 light blue colored pills labeled “M-30.” Also located in the Escalade was a digital scale, several unused small Ziploc baggies and CHAVEZ’s lime green colored iPhone that fell from his lap as he exited the Escalade. SA Varela placed an audio call through Snapchat to CHAVEZ’s Snapchat and watched CHAVEZ’s iPhone ring.

19. Agents then executed a federal search warrant at CHAVEZ’s residence on E. Alluvial Avenue. During the search of the residence, agents located an upstairs bedroom that had a Michael Jordan poster, adult men’s clothing, several Nike Air Jordan shoes, a vehicle title for a 2004 Cadillac (CA: 04323Y2) in the name of CHAVEZ. It should be noted CHAVEZ has a Michael Jordan emblem affixed to the trailer hitch of his Escalade. Based on the above, I believe this room belonged to CHAVEZ.

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<sup>1</sup> Based on my training and experience and knowledge of slang terms commonly used in narcotics trafficking, I know the term “grip” is commonly used to refer to a large amount of an item, in this case, pills.

20. In the room, agents located a black colored safe on the floor, which was unlocked. Inside the safe, agents located approximately 1360 additional light blue colored pills labeled M-30, with an approximate weight of 148 grams, a loaded CZP-09 9mm pistol, bearing Serial #: C024297, with a loaded magazine inserted, a digital scale with white powdery residue, a clear baggie with a white rocklike substance, believed to be cocaine and an undetermined amount of U.S. Currency. The pistol was on a shelf directly above the pills. The pills were separated into Ziploc baggies that ranged from 1 pill per bag up to approximately 50 pills per bag, indicative of packaging for distribution. Agents also located additional digital scales, a box of marijuana/THC edibles and high capacity magazines.

21. Agents conducted a test on the light blue colored pills labeled M-30 that were found in CHAVEZ's bedroom. They returned presumptive positive for fentanyl.

#### IV. CONCLUSION

22. As outlined above, there is probable cause to believe that Armando Luciano CHAVEZ Jr has violated Title 21 U.S.C. § 841(a)(1) – Possession With Intent to Distribute over 40 grams of a mixture containing Fentanyl.



Andres, Special Agent  
Homeland Security Investigations

Attested to by the applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by Telephone on:

this 30 day of October, 2020



Honorable Barbara A. McAuliffe  
United States Magistrate Judge

Reviewed and approved as to form:

/s/ Justin J. Gilio

JUSTIN J. GILIO

Assistant United States Attorney